



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
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IN REPLY PLEASE
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November 6, 2001

via electronic filing

Magalie R. Salas, Secretary
Office of the Secretary
Federal Communications Commission
Portals II
445 Twelfth Street, S.W.
Suite TW-A325
Washington, D.C. 20554

**Re: Comments of the Pennsylvania Public Utility Commission
In the Matter of Numbering Resource Optimization
CC Docket No. 99-200; DA 01-2419**

Dear Ms. Salas:

Attached for filing in the above matter please find one copy of the Pennsylvania Public Utility Commission's Comments, In the Matter of Numbering Resource Optimization, CC Docket No. 99-200; DA 01-2419.

Sincerely,

Deanne M. O'Dell
Assistant Counsel

Enclosure

cc: per certificate of service

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION**

WASHINGTON, D.C. 20554

In the Matter of)	
)	
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)	
Numbering Resource Optimization)	CC Docket No. 99-200
)	
)	DA 01-2419

**COMMENTS OF THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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Dated: November 6, 2001

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INTRODUCTION

The Pennsylvania Public Utility Commission (PAPUC) submits the following comments in response to the Commission's Public Notice released October 17, 2001 wherein the Common Carrier Bureau is seeking comment on the National Thousands-Block Number Pooling Rollout Schedule. In these comments, the PAPUC requests that its 215/267/445 NPAs be pooled during the first quarter of national rollout rather than the second quarter. Further, the PAPUC asks the Commission to grant its already filed request for clarification and determine that both the 717 and 570 accelerated voluntary pools will become mandatory pools that are part of the national network on or before March 15, 2002. In the alternative, the PAPUC requests that the 717 and 570 NPAs be placed on the national rollout schedule. Finally, the PAPUC strongly supports the placement of its 814 NPA on the current schedule.

DISCUSSION

On March 31, 2000, the Commission released its *Report and Order and Further Notice of Proposed Rule Making on Numbering Resource Optimization*, CC Docket No. 99-200. In paragraph 170 of this Report and Order, the Commission directed states with pending petitions for delegated authority to file supplements demonstrating that:

- 1) an NPA in the state is in jeopardy,
- 2) the NPA in question has a remaining life span of at least a year, and
- 3) that the NPA is in one of the largest 100 MSAs, or alternatively, that the majority of wireline carriers in the NPA are LNP-capable.

Further, the Commission recognized that "special circumstances" might exist where pooling would be of benefit in NPAs that do not meet the above criteria and invited states to delineate any such situations.

The Commission has continued to rely on this criteria in granting state petitions for delegated authority.¹ Further, the Commission has recently determined that all petitions filed by state commissions after June 18, 2001 seeking delegated authority by using these criteria will be treated as requests to receive early placement in the national pooling rollout schedule.² The PAPUC submits that the application of these criteria to Pennsylvania's 215/267/445, 717, 570, and 814 NPAs supports its various requests regarding the National Thousands-Block Number Pooling Rollout Schedule.

I. The PAPUC Requests that the Commission Move the Currently Scheduled Rollout Date for the 215/267/445 NPAs from the Second Quarter Rollout to the First Quarter Rollout

The 215 NPA is one of Pennsylvania's original four area codes. Until it was split in 1994 due to the creation of the 610 NPA, the 215 NPA covered the entire Southeastern Pennsylvania region. Now, the 215 NPA covers primarily the city of Philadelphia. On June 5, 1999 pursuant to an order of the PAPUC,³ the 267 NPA was activated as an overlay of the 215 NPA. On December 2, 1999, an industry consensus was reached to implement another overlay for the 215/267 NPAs. The 445 NPA was assigned by the NANPA for this purpose. While all network preparations are

¹ See *Connecticut Department of Public Utility Control Expedited Petition for Additional Authority*, Order, NSD-L-01-35, *Michigan Public Service Commission Petition for Additional Delegated Authority to Implement Number Conservation Measures*, Order, NSD-L-01-36, *Petition of the North Carolina Utilities Commission for Additional Delegated Authority to Implement Number Optimization Measures* CC Docket No., 96-98, Order, NSD-L-01-75, 2001 FCC LEXIS 4601, at ¶ 22 (2001).

² See *Common Carrier Bureau Seeks Comment on the Petitions of Representative Keith R. McCall and other Pennsylvania State Representatives and the Louisiana Public Service Commission Requesting Delegated Authority to Implement Number Conservation Measures and Common Carrier Bureau Declines to Address the Remaining Requests of the Georgia Public Service Commission, the Kentucky Public Service Commission and the Louisiana Public Service Commission for Delegated Authority to Implement Number Conservation Measures*, Public Notice, CC Docket No. 96-98, 99-200, DA 01-2174 (rel. October 9, 2001).

³ Petition of the NPA Relief Coordinator Re: 215/610 Area Code Relief Plan, Docket No. P-00961061 (Order entered May 21, 1998).

done for the 445 NPA, it will not be activated until three months prior to total NXX code exhaust per PAPUC order.⁴

According to the Commission's initial Thousands-Block Number Pooling Rollout Schedule, pooling is to be implemented in the 215/267/445 NPAs during the second quarter of national rollout. Since national rollout begins in March 2002 with new NPAs being pooled in three-month segments, the 215/267/445 NPAs are scheduled to be pooled sometime between June and August 2002. The PAPUC requests that the 215/267/445 NPAs be moved from the second quarter of national rollout to the first quarter of national rollout. The Commission should grant this request because the 215/267/445 NPAs have a remaining life span of at least a year and are within the largest 100 MSAs. Additionally, because of the special circumstances in the 215/267/445 NPAs waiting three additional months to pool could mean the premature and unnecessary activation of the 445 NPA. The premature activation of the 445 NPA is an ineffective solution to a problem easily fixed by pooling sooner rather than later. Finally, pooling is occurring in the adjacent NPAs (610/484/835) and traditionally these two geographic area have been treated similarly with respect to area code relief because they are considered to be a part of the same community of interest. For all of these reasons, pooling in the 215/267/445 NPAs should begin during the first quarter of national rollout rather than the second quarter.

⁴ Investigation into Relief Plans for the 215/267 NPAs and the 610/484 NPAs, Docket No. P-00961061F0002 (Order entered March 12, 2001), 31 Pa. B. 1816 (March 31, 2001).

A. The 215/267/445 NPAs have a remaining life span of at least a year and are within the largest 100 MSAs

The 215/267/445 NPAs meet two of the three criteria specifically delineated by the Commission.⁵ First, the 215/267/445 NPAs have a remaining life span of approximately 15 months as they are currently expected to exhaust during the first quarter 2003.⁶ Second, the 215/267/445 NPAs lie entirely within the Philadelphia MSA. According to the U.S. Census Bureau, the Philadelphia MSA includes the following counties: Philadelphia, Delaware, Chester, Montgomery, and Bucks and is the sixth largest MSA in the nation.⁷ The geographic area served by the 215 NPA is the city of Philadelphia, Philadelphia County, substantially all of Bucks county, and about half of Montgomery County.⁸ Because two of the three criteria have been met regarding the 215/267/445 NPAs, the Commission should implement pooling there during the first quarter of national rollout rather than the second quarter.

⁵ Parenthetically, we note that “jeopardy” cannot and should not be used to determine when number optimization measures need to be implemented. As defined by the INC Guidelines, jeopardy is used to determine when extraordinary measures, such as rationing, need to be taken. *Industry Numbering Committee (INC) Central Office Code (NXX) Assignment Guidelines*, INC 95-0407-008, issued January 8, 2001 at § 9. Jeopardy rarely dictates when relief planning should begin and it should not be used to dictate when number conservation measures such as pooling should be implemented. Waiting until jeopardy is officially declared to determine that number conservation measures should begin is similar to waiting for a fire to begin in a house before buying a fire extinguisher to extinguish the fire. Buying the fire extinguisher at that late date may or may not help to put out the fire and minimize damage. But, prepurchasing the fire extinguisher before the fire began would enable the homeowner to act quickly to prevent the fire from taking hold and spreading. Similarly, implementing number conservation measures after jeopardy is declared does nothing to prevent or minimize the damage from happening as the existing area code is already heading toward total exhaust.

⁶ See NANPA’s 2001 NRUF and NPA Exhaust Analysis, June 1, 2001 Update available at <http://www.nanpa.com>.

⁷ See “Census 2000 PHC-T-3. Ranking Tables for Metropolitan Areas: 1990 and 2000, Table 3: Metropolitan Areas Ranked by Population: 2000,” available at <http://www.census.gov>.

⁸ A map of the 215/267 NPA is available on the PAPUC’s web site at http://puc.paonline.com/telecomm/Area_Codes.asp.

B. Due to the special circumstances in the 215/267/445 NPAs, waiting three additional months to pool could mean the premature and unnecessary activation of the 445 NPA thereby providing an ineffective solution to a problem easily fixed by pooling sooner rather than later

Beyond meeting two of the three specific criteria set forth by the Commission, the special circumstances of the 215/267/445 NPAs support having them pooled in the first quarter of national rollout rather than in the second quarter. Currently, there is a third area code (445) ready to be activated over the 215/267 NPA geographic region three months prior to the exhaust of the underlying NPAs. The PAPUC submits that because of the high demand for NXX codes in this area, the exhaust of the 215/267 NPAs could cause the activation of the 445 NPA prior to pooling implementation. In the opinion of the PAPUC, this activation would be premature and unnecessary because of the significant numbering resources already available in the 215/267 NPA which are inaccessible now only because pooling has not been implemented. Because the unnecessary and premature activation of a third area code over 215/267 will not solve the numbering situation in this area but will instead ensure that one less area code is available in the overall NANP, the PAPUC urges the Commission to implement pooling in the 215/267 NPAs as soon as possible.

1. The PAPUC submits that the 215/267 NPA is a vibrant area code with high demand which could cause the premature and unnecessary activation of 445 before pooling is implemented

Though it has been technically implemented, no numbers from the 445 NPA will be activated until three months prior to total exhaust of both the 215 and 267 NPAs. Premature

activation of the 445 NPA will not effectively deal with the situation in this area and will just guarantee that another NPA will be unavailable in the overall NANP. The PAPUC believes that the 445 NPA could be implemented prior to pooling in the 215/267 NPA as currently scheduled and urges the Commission to prevent this by implementing pooling in the 215/267/445 NPAs during the first quarter of national rollout rather than during the second quarter.

The PAPUC believes that the 445 NPA could be activated prior to national pooling during the schedule quarter of rollout due to the assignment of a significant amount of initial NXX codes and the fact that no other number conservation measure beyond NXX code reclamation is being implemented in the 215/267/445 NPA. Unlike growth NXX codes where carriers need to meet a certain utilization rate prior to assignment, initial NXX codes are assigned as requested. Therefore, any carrier wishing to operate in the 215/267/445 NPAs can request and receive initial NXX codes. Further, in the 215/267/445 NPA there are 37 rate centers. Therefore, one carrier wanting to establish a presence in Philadelphia would need to receive 37 initial NXX codes.

Beyond the fact that the potential exists for the assignment of a significant number of initial NXX codes in the 215/267 NPAs, is the fact that the Philadelphia market is highly competitive. Therefore, a significant number of initial NXX codes for the 215/267 NPA are regularly requested. Between May 2001 and October 2001, for example, the NANPA received applications for 100 initial NXX codes in the 215/267 NPA. Thus, the average demand for initial 215/267 NXX codes over this six-month period was 11 NXX codes per month.⁹

The PAPUC is concerned about this amount of demand in light of the fact that as of September 2001, there were approximately 190 total NXX codes available for assignment in the

⁹ Per 47 C.F.R. 52.15(f)(7), the PAPUC receives a monthly list of all NXX code applications submitted to the NANPA for all of Pennsylvania's NPAs. This information is taken from that data.

215/267 NPAs.¹⁰ If this rate of demand continues and NXX codes are assigned accordingly, then the 215/267 NPA could be totally exhausted by October 2002 without taking into account the additional NXX codes assigned as growth codes¹¹ or other unforeseen factors. Further, because the 445 NPA is to be activated three months prior to total exhaust, if all NXXs are exhausted in October 2002 then the 445 NPA would be activated in July 2002. This would fall right in the middle of the second quarter of national rollout where the 215/267 NPA is currently scheduled to be pooled. The PAPUC submits that there is a very real possibility that waiting until June 2002 to implement pooling in 215/267 when pooling could be implemented in March 2002 could cause the premature activation of the 445 NPA which would make one less area code potentially available in the NANP.

2. Activation of the 445 NPA before pooling implementation would be premature because there are significant numbering resources currently available in the 215/267 NPA that would be more readily available to carriers in a pooling environment

Because both the 215 and 267 NPAs are currently active, there are approximately 1,584 NXX codes available to the carriers in this region.¹² As of September 2001, the NANPA has allocated approximately 1,394 (or 85%) of all these available NXX codes.¹³ Because there are 10,000 numbers in each NXX code, 1,394 NXX codes equal 13.9 million numbers. Consequently,

¹⁰ “Code Assignment Activity for Sept2001” available at <http://www.nanpa.com>.

¹¹ Between May 2001 and October 2001, 17 NXX codes were assigned as growth codes in the 215/267 NXX NPAs.

¹² For the purposes of NPA relief planning, it is assumed that the capacity of an NPA is 792 NXX codes. *Industry Numbering Committee (INC) NPA Code Relief Planning & Notification Guidelines*, INC 97-0404-016, issued August 6, 2001 at § 2.3.

¹³ There is one NXX code available for assignment from the 215 NPA and 189 NXX codes available for assignment from the 267 NPA. “Code Assignment Activity for Sep2001” available at <http://www.nanpa.com>. Adding the total available NXX codes together (190) and subtracting them from the total possible available NXX codes from two NPAs (1,584) equals 1,394.

the carriers in Philadelphia currently have 13.9 million numbers in their inventory ready for assignment to end-users.

As of June 2001, carriers reported a total utilization rate of 68%¹⁴ for the 13.9 million numbers in their 215/267 NPA numbering inventories. Thus, to date, carriers in the 215/267 NPA have assigned a total of 9.5 million numbers (68% of 13.9 million) to end users. Because the utilization rate represents the amount of “assigned to end user” numbers, 32% represents the amount of numbers still in the inventories of carriers which have not been assigned to end users. Consequently, contained in their existing inventories of 215/267 NPA NXX codes, the carriers in Philadelphia still have 4.5 million numbers (32% of 13.9 million) available for assignment to end users.¹⁵

With 4.5 million numbers unassigned to end-users in an area inhabited by approximately 2.5 million people,¹⁶ the PAPUC submits that any activation of the 445 NPA in the near future¹⁷ would be premature. Further, opening the third area code for this region does nothing to ensure the usage of these currently unused 4.5 million numbers in the 215/267 NPA. Rather, a third area code will flood 7.9 million more unnecessary numbers into this area. These numbers will then be allocated in blocks of 10,000 (by NXX code) to the carriers. Because the amount of numbers available is already twice as much as the amount of people available to use them, carriers will

¹⁴The 68% overall utilization rate combines the 58% utilization rate in the 215 NPA with the 10% utilization rate in the 267 NPA. This information is taken from the June 2001 Numbering Resource Utilization/Forecast (“NRUF”) Reports collected by the NANPA in accordance with federal rules. 47 C.F.R. § 52.15(f).

¹⁵ Of the total numbers available for assignment to end users, 90% of them are from the 267 NPA while 42% are from the 215 NPA.

¹⁶ According to the 2000 U.S. Census, the population of counties served by the 215/267 NPAs are as follows: Philadelphia – 1,517,550; Bucks – 597,635; and, Montgomery – 750,097 (approximately half of this population is served by the adjacent 610/484/835 NPAs). See “Census 2000 PHC-T-4. Ranking Tables for Counties: 1990 and 2000, Table 1. Counties in Alphabetic Sort Within State, 1990 and 2000 Population, Numeric and Percent Change,” available at <http://www.census.gov>.

¹⁷ See Section B, 1 above where the PAPUC details our concerns about the very real possibility of the 445 NPA being activated prior to the implementation of pooling as currently scheduled during the second quarter of national rollout

continue to be unable to assign the additional numbers to end-users and a significant amount of numbers from the 445 NXX codes will be added to the 4.5 million 215/267 numbers already unused in the 215/267 NPA region.

While activating the 445 NPA in the 215/267 area would be a futile solution to making these stranded numbers available, implementing pooling would be a tremendous benefit. Through pooling, carriers and consumers would have the ability to use the 4.5 million numbers currently stranded in the inventories of the carriers with 215/267 NXX codes. We are confident that this will be the outcome of pooling in the 215/267 NPA because of our experience with pooling in Pennsylvania's 610/484/835 NPAs which is adjacent to 215/267/445 NPAs and had similarly low utilization rates just prior to the pool's implementation. When the 610/484 pool opened on April 29, 2001, the overall utilization rate was 57% which indicated that 43% of all the 610/484 NPA numbers in the inventories of the carriers were not assigned to end-users and potentially available for pooling.¹⁸ As expected, when the pool opened carriers donated 2,293 thousands blocks or approximately 2.29 million numbers to the pool and approximately 66 full NXX codes were able to be returned to the NANPA. Since then 872 additional thousands blocks have been donated thereby making a total of 3.2 million numbers available for use. Without pooling these 3.2 million numbers would have remained stranded in the inventories of the carriers just as the 4.5 million numbers remain currently stranded in carriers' inventory of NXX codes from the 215/267 NPAs.

because of the high demand for initial NXX codes.

¹⁸ The 57% overall utilization rate combines the 54% utilization rate in the 610 NPA with the 3% utilization rate in the 484 NPA. This information is taken from the June 2000 Numbering Resource Utilization/Forecast ("NRUF") Reports collected by the NANPA in accordance with federal rules. 47 C.F.R. § 52.15(f). This utilization rate was essentially identical to the 56% utilization rate reported by carriers to the PAPUC in October of 1999. Prior to NRUF, carriers in Pennsylvania had been regularly reporting their utilization data to the PAPUC pursuant to its Opinion and Order entered October 23, 1998, Docket Numbers P-00960127, P-00961061, and P-00961071.

Because the situation in both the 215/267 and 610/484 NPAs is so similar regarding the low utilization rates and potential amount of stranded numbers, the PAPUC is convinced that timely pooling in the 215/267 NPA will be as successful as pooling in the 610/484 NPA.¹⁹ Further, the PAPUC submits that this pool needs to be opened as soon as possible so that the ineffective alternative to pooling, a third and unnecessary area code, is not prematurely implemented.

C. Pooling is occurring in the adjacent 610/484/835 NPAs and area code relief has always been simultaneously implemented in both these NPAs because the areas are considered to be a part of the same community of interest

The geographic area covered by the 610/484 NPA was initially part of Pennsylvania's original 215 NPA.²⁰ Now, the 215 NPA covers the city of Philadelphia while the 610/484 NPA covers part of the city of Philadelphia and the surrounding suburbs. According to the 2000 U.S. Census, there are approximately 4.8 million people residing in the geographic area covered by both the 215/267/445 and 610/484/835 NPAs and they are about equally split between the geographic areas covered by each group of NPAs.²¹ All of these communities consider themselves neighbors and one community of interest since many people working in the city of Philadelphia live in its surrounding suburbs.

¹⁹ To date the current resources of the pool have been more than sufficient to meet the needs of the 32 participating carriers. Only one NXX code has had to be opened since the pool opened in April 2001 and, according to NeuStar, only one more NXX code will need to be opened through July 2002 to meet the demands of the pooling carriers.

²⁰ The counties covered by the 610/484 NPA are Delaware, Chester, half of Montgomery county, Lehigh, Berks and Northampton. A map of the 610/484 NPA is available on the PAPUC's web site at http://puc.paonline.com/telecomm/Area_Codes.asp.

²¹ According to the U.S. Census Bureau, the populations for the counties served by the 610/484 and 215/267 NPAs are as follows: Philadelphia – 1,517,550; Delaware – 550,864; Chester – 433,501; Montgomery – 750,097; Bucks – 597,635; Lehigh – 312,090; Berks – 373,638; and, Northampton – 267,066. See "Census 2000 PHC-T-4. Ranking Tables for Counties: 1990 and 2000, Table 1. Counties in Alphabetic Sort Within State, 1990 and 2000 Population, Numeric and Percent Change," available at <http://www.census.gov>.

Moreover, these two adjacent area codes have followed parallel tracks with respect to area code relief since the split of the original 215 NPA with the creation of the 610 NPA in 1994. Initially, the PAPUC decided to implement two distributed overlays for both NPAs in June of 1999 after considering various comments filed by interested parties.²² Then, in October 1999, area code relief planning began for the 215/267 and 610/484 NPAs as a result of an unexpected increase in demand for NXX codes.²³ By the time the industry convened to discuss relief for these NPAs, the situation in the 610/484 NPA was far more serious than in the 215/267 NPA. For example, the 610/484 was declared to be in jeopardy and rationing began pursuant to industry consensus in November 1999. Further, the projected exhaust date for the 610/484 NPA was approximately 15 months sooner than the projected exhaust date for the 215/267 NPA.²⁴ Despite this, the industry chose to recommend two separate overlay relief plans for the 610/484 and 215/267 NPAs. Thus, both the PAPUC and the industry have traditionally treated these two area codes similarly with respect to area code relief. Similarly, the Commission should implement mandatory thousands-block number pooling in the 215/267/445 NPAs as soon as possible since pooling was implemented in the 610/484/835 NPAs on April 29, 2001.

Beyond continuing the tradition of implementing similar measures in these two sister NPAs, pooling as soon as possible in the 215/267 NPA makes sense due to the common characteristics of the 215/267 and 610/484 NPAs. For example, there are approximately 25 LNP-

²² Petition of the NPA Relief Coordinator Re: 215/610 Area Code Relief Plan, Docket No. P-00961061 (Order entered May 21, 1998).

²³ Between April 1999 and December 1999, 364 NXX codes were assigned in the 267 NPA and 506 NXX codes were assigned in the 484 NPA. See <http://www.nanpa.com>.

²⁴ According to NANPA's 2000 COCUS and NPA Exhaust Analysis, dated December 1999, the projected exhaust date for the 215/267 NPA was during the first quarter 2003 and the projected exhaust date for the 610/484 NPA was during the fourth quarter 2001.

capable carriers with NXX codes in the 215/267 NPAs.²⁵ All of these carriers currently participate in the 610/484 pool. Therefore, implementing pooling in the 215/267 NPA would be a relatively easy transition for those carriers.

Further, new entrants into the Philadelphia market typically intend to establish a presence in both Philadelphia and the greater Philadelphia area, which means that they use NXX codes in both the 215/267 and 610/484 NPAs. In July 2001, for example, a new CLEC applied for 26 initial NXX codes in the 215/267 NPA and 28 initial NXX codes in the 610/484 NPA.²⁶ Once these applications were submitted, the CLEC then had to be referred to the pooling administrator for the 610/484 NXX codes while receiving its 215/267 NXX codes from the NANPA. Having pools in both areas would simplify the process of building a footprint in the Philadelphia area and would ensure that all these carriers have timely access to needed numbering resources. Consequently, we urge the Commission to implement pooling in the 215/267/484 NPAs as soon as possible.

II. The PAPUC Urges the Commission to Make Both the 717 and 570 Accelerated Voluntary Pools Mandatory Pools as Part of the National Network on or Before March 15, 2002. In the Alternative, the PAPUC Requests that the 717 and 570 NPAs Receive Early Placement on the National Thousands-Block Number Pooling Rollout Schedule

The 717 NPA was one of Pennsylvania's original area codes that covered Central and Northeastern Pennsylvania. In April of 1999, the 717 NPA was split and the 570 NPA was created pursuant to an order of the PAPUC. Now, the 717 NPA covers South Central

²⁵ See <http://www.nanpa.com>.

²⁶ Per 47 C.F.R. 52.15 (f)(7), the PAPUC receives a monthly list from the NANPA of all NXX codes applications submitted to the NANPA for Pennsylvania's NPAs. This information is taken from that data.

Pennsylvania and the 570 NPA covers both North Central and Northeastern Pennsylvania. In September of 2000, the PAPUC sought public input regarding an industry consensus plan to overlay the 570 NPA.²⁷ On June 7, 2001, Representative Keith R. McCall and the 31 member Northeast Delegation of the Pennsylvania House of Representatives filed a Petition for Delegated Authority with the Commission (“Rep. McCall’s Petition”).²⁸ Because they all strongly oppose an overlay for the 570 NPA and understood that the PAPUC could not implement mandatory pooling in the 570 NPA without Commission delegated authority, these representatives requested that the Commission delegate to the PAPUC the authority necessary to implement mandatory pooling in the 570 NPA.

Two months before the Commission sought public comment on Rep. McCall’s Petition,²⁹ the PAPUC adopted an order directing that two voluntary accelerated pools be implemented in the 570 and 717 NPAs on February 28, 2002 and March 14, 2002, respectively.³⁰ Eight days after releasing Rep. McCall’s Petition for comment, the Commission’s initial Thousands-Block Number Pooling Rollout Schedule was released for comment. This initial schedule does not schedule either the 717 or 570 NPA for national rollout. Two divergent

²⁷ Public input hearings were held in December 2000. A final decision from the PAPUC is still pending. Similarly, in August 2001, the industry recommended that the PAPUC approve an overlay for the 717 NPA. The PAPUC has also sought public comment on this recommendation and a decision from the PAPUC is still pending.

²⁸ *Petition of Representative Keith R. McCall and Members of the Northeast Delegation of the Pennsylvania House of Representatives Requesting that Additional Authority be Delegated to the Pennsylvania Public Utility Commission to Implement Additional Number Conservation Measures* (dated June 7, 2001).

²⁹ See *Common Carrier Bureau Seeks Comment on the Petitions of Representative Keith R. McCall and other Pennsylvania State Representatives and the Louisiana Public Service Commission Requesting Delegated Authority to Implement Number Conservation Measures and Common Carrier Bureau Declines to Address the Remaining Requests of the Georgia Public Service Commission, the Kentucky Public Service Commission and the Louisiana Public Service Commission for Delegated Authority to Implement Number Conservation Measures*, Public Notice, CC Docket No. 96-98, 99-200, DA 01-2174 (rel. October 9, 2001). Comments were due October 23, 2001 and reply comments were due November 5, 2001.

³⁰ Implementation of Accelerated Voluntary Thousands-Block Pooling in the 570 and 717 Area Codes, Docket No. M-00001427 (Order entered August 9, 2001).

conclusions can be drawn from the fact that the Commission did not include 717 and 570 on the initial tentative national pooling rollout schedule. Either the Commission intends the voluntary pools being implemented in these two NPAs to be transitioned to the national platform prior to March 15, 2002; therefore, the 717 and 570 NPAs need not be scheduled for national pooling. Or, the Commission does not intend to implement national pooling in the 717 and 570 NPAs.

The PAPUC wants the two voluntary pools being implemented in the 717 and 570 NPAs to become mandatory pools as part of the national network. The PAPUC strongly urges the Commission to make the voluntary pools in the 717 and 570 NPAs a part of the national network prior to March 15, 2002. In the alternative, the PAPUC submits that the 717 and 570 NPAs should receive early placement on the final National Thousands-Block Number Pooling Rollout Schedule.

- A. The Commission should ensure that the voluntary pools being implemented in the 717 and 570 NPAs will become mandatory pools as part of the national network before March 15, 2002 by either granting the PAPUC's Request for Clarification or by granting Rep. McCall's Petition; thereby, delegating to the PAPUC the authority to convert these two voluntary pools to mandatory status**

On October 23, 2001 and November 5, 2001, the PAPUC made several filings with the Commission in the context of its request for comments on Rep. McCall's Petition, which petitions the Commission to delegate to the PAPUC the authority to implement mandatory pooling in the 570 NPA. Initially, the PAPUC filed a Request for Clarification Regarding Mandatory Pooling in the 717 and 570 NPAs asking the Commission to clarify that the voluntary pools in the 717 and

570 NPAs will be transitioned to the national pooling platform on or before March 15, 2001.³¹

After the initial comments were filed, the PAPUC then filed Reply Comments.³² In these Reply Comments the PAPUC again urged the Commission to grant its Request for Clarification but also suggested that, as an alternative, the Commission should grant Rep. McCall's Petition. This would then give the PAPUC the delegated authority necessary to convert the already progressing voluntary pools in the 717 and 570 NPAs to mandatory pools.

The intent of these filings is to have the Commission make the voluntary pools in the 717 and 570 NPAs a part of the national pooling network prior to national rollout. In the opinion of the PAPUC, the Commission can do this by either granting the PAPUC's Request for Clarification or by granting Rep. McCall's Petition. As detailed more thoroughly in our October 23, 2001 and November 5, 2001 filings, the PAPUC needs clear direction regarding the status of these two pools so that it can use its regulatory authority to ensure their full success.³³ Further, recognizing that the voluntary pools in the 717 and 570 NPAs will become mandatory prior to national rollout implements the intent of all the parties involved in the voluntary pools and ensures that Central Pennsylvanians receive the benefit of mandatory pooling.³⁴ Finally, both voluntary pools are in the process of being implemented and they are being implemented in accordance with the national framework and guidelines.³⁵

³¹ *Comments of the Pennsylvania Public Utility Commission and Request for Clarification Regarding Mandatory Pooling in the 717 and 570 NPAs, In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200; 96-98, NSD-L-01-113; DA 01-2174 (dated October 23, 2001).

³² *Reply Comments of the Pennsylvania Public Utility Commission, In the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 96-98; NSD-L-01-113; DA 01-2174 (dated November 5, 2001).

³³ *Reply Comments of the PAPUC to Rep. McCall's Petition* at 3-4.

³⁴ *Comments and Request for Clarification of the PAPUC to Rep. McCall's Petition* at 7-8.

³⁵ *Comments and Request for Clarification of the PAPUC to Rep. McCall's Petition* at 5-6. *Reply Comments of the PAPUC to Rep. McCall's Petition* at 7-8.

The PAPUC strongly advocates that the Commission officially recognize that the 717 and 570 voluntary pools should become a part of the national platform on or before March 15, 2002 by granting the PAPUC's Request for Clarification. If this request is not granted, then the PAPUC asks the Commission to grant Rep. McCall's Petition and delegate to the PAPUC the authority necessary to convert its on-going voluntary pools in the 717 and 570 NPAs to mandatory pools as part of the national network.

B. If the Commission chooses not to make the voluntary pools in the 717 and 570 NPAs mandatory prior to national rollout, then the 717 and 570 NPAs should receive early placement on the National Pooling Rollout Schedule

In the absence of determining that the voluntary pools in the 717 and 570 NPAs should be made a part of the national network prior to national rollout, the PAPUC submits that the 717 and 570 NPAs should be placed on the national rollout schedule because they meet the Commission's criteria for pooling. At the present time, the 570 and 717 NPAs have a life span of at least a year. As of June 1, 2001, the projected exhaust date for the 570 NPA is during the fourth quarter 2003 and the projected exhaust date for the 717 NPA is during the second quarter 2003.³⁶ Also, the 570 NPA covers two MSAs that are within the top 100 MSAs. One MSA is the Allentown-Bethlehem-Easton MSA which is ranked 66 and the other MSA is the Scranton-Wilkes-Barre-Hazleton MSA which is ranked 68. Similarly, the 717 NPA covers two MSAs that are within the top 100 MSAs. One MSA is the Harrisburg-Lebanon-Carlisle MSA which is ranked 67 and the other MSA is the Lancaster MSA which is ranked 89.³⁷ Beyond these two criteria, the 570 and

³⁶ NANPA's "2001 NRUF and NPA Exhaust Analysis, June 1, 2001 Update, available at <http://www.nanpa.com>.

³⁷ See "Census 2000 PHC-T-3. Ranking Tables for Metropolitan Areas: 1990 and 2000, Table 3: Metropolitan Areas Ranked by Population: 2000," available at <http://www.census.gov>. Maps of the 570 and 717 NPAs are available on the PAPUC's web site at http://puc.paonline.com/telecomm/Area_Codes.asp.

717 NPAs meet the Commission's standard of "special circumstances" because two voluntary pools will be fully implemented in the 717 and 570 NPAs prior to national rollout.

Beyond just placing the 717 and 570 NPAs on the national rollout schedule, the PAPUC advocates the early placement of these two NPAs for the same reasons it urges the Commission to recognize that these two voluntary pools will become mandatory prior to March 15, 2002.³⁸ The longer these two pools remain voluntary, the more chance there is for outsiders to undercut the effectiveness of the pools and negate the efforts of those agreeing to voluntarily participate. As recognized by the Commission, the success of pooling is dependent on the participation of as many carriers as possible,³⁹ but as long as these two pools remain voluntary neither the PAPUC nor the Commission can ensure that all potential carriers participate. For example, if a new CLEC were to come into the 570 NPA market and seek 50 initial NXX codes, the PAPUC would not have the authority to mandate that CLEC's participation in the pool since the pool is voluntary.⁴⁰ This unnecessary assignment of a significant number of NXX codes in the 570 NPA would undermine all the efforts of the pooling participants to share their numbering resources and conserve the resources of the NPA.

As long as the potential remains for outsiders to undercut the effectiveness of the voluntary pools, the more likely new area codes will need to be added to relieve the 717 and 570 NPAs. Currently, the PAPUC has been asked by the industry to adopt two industry consensus recommendations to implement an overlay for the 570 NPA and an overlay for the 717 NPA.

³⁸ See *Comments and Request for Clarification of the PAPUC to Rep. McCall's Petition* at 7-8 and *Reply Comments of the PAPUC to Rep. McCall's Petition* at 2-8.

³⁹ *Report and Order and Further Notice of Proposed Rulemaking in the Matter of Numbering Resource Optimization*, CC Docket No. 99-200, 15 FCC Rcd 7574 at ¶ 125 (2000).

⁴⁰ More examples of the importance of having the voluntary pools converted to mandatory pools are outlined in our *Reply Comments to Rep. McCall's Petition* at 3.

The PAPUC cannot stress enough how the implementation of two successful pools in the 717 and 570 NPAs would help alleviate the need for unnecessary activation of two more new area codes in Pennsylvania, thereby preserving the resources of the NANP. The Commission can ensure the maximum success of these two pools by converting them from voluntary pools to mandatory pools as soon as possible.

For these reasons, we urge the Commission to recognize that the voluntary pools in the 717 and 570 NPAs will become mandatory pools as part of the national network prior to national rollout by granting the PAPUC's requested clarification or Rep. McCall's Petition. In the alternative, we ask the Commission to give the 717 and 570 NPAs early placement on the final National Thousands-Block Number Pooling Rollout Schedule.

III. The PAPUC Strongly Supports Pooling in the 814 NPA as Currently Scheduled Due to the Special Circumstances of the 814 NPA

The 814 NPA is one of Pennsylvania's original area code, and it has never undergone area code relief planning. Geographically, the 814 NPA is Pennsylvania's largest area code, and it stretches from Northwestern Pennsylvania to Southwestern Pennsylvania and covers some territory in both North and South Central Pennsylvania. According to the Commission's initial Thousands-Block Number Pooling Rollout Schedule, pooling is to be implemented in the 814 NPA during the third quarter of national rollout. Since national rollout begins in March 2002 with new NPAs being pooled in three-month segments, the 814 NPA is scheduled to be pooled sometime between September and November 2002.

The PAPUC strongly supports this placement of the 814 NPA on the national rollout schedule for several reasons. First, the projected exhaust for the 814 NPA is currently a little over

three years as the 814 NPA is expected to exhaust during the first quarter of 2005.⁴¹ Thus, the 814 NPA meets the first of the Commission's criteria for pooling.

Second, while there are no MSAs within the top 100 MSAs contained in the 814 NPA there are four MSAs within the geographic area of the 814 NPA. These MSAs include Erie, Johnstown, State College, and Altoona. The Erie MSA is ranked 137, the Johnstown MSA is ranked 155, the State College MSA is ranked 220, and the Altoona MSA is ranked 226.⁴² Further, the combined population of the 18 counties covered by the 814 NPA is approximately 1.3 million.⁴³ Thus, a significant number of both MSAs and people will be impacted by pooling in the 814 NPA.

Third, in recent years the projected exhaust date of the 814 NPA has gone from being significantly far into the future to being within the near future. For example, in December of 1999, the projected exhaust date for the 814 NPA was fourth quarter 2010. By May 2000, however, this projected exhaust date had been advanced over four years to second quarter 2006.⁴⁴ Shortly thereafter, the NANPA again advanced this exhaust date by over two years to determine that the 814 NPA would exhaust during the third quarter of 2004. As of the recent projection of the NANPA, the 814 NPA will exhaust during the first quarter of 2005.⁴⁵ These significant revisions of the exhaust date for the 814 NPA illustrate that NXX codes from the 814 NPA are

⁴¹ NANPA's "2001 NRUF and NPA Exhaust Analysis, June 1, 2001 Update, available at <http://www.nanpa.com>.

⁴² See "Census 2000 PHC-T-3. Ranking Tables for Metropolitan Areas: 1990 and 2000, Table 3: Metropolitan Areas Ranked by Population: 2000," available at <http://www.census.gov>.

⁴³ According to the U.S. Census Bureau, the populations for the counties served by the 814 NPA are as follows: Bedford – 47,919; Blair – 130,542; Cambria – 163,029; Cameron – 5,913; Centre – 123,786; Clairon – 41,699; Clearfield – 78,097; Crawford – 86,169; Elk – 34,878; Erie – 275,572; Forest – 4,802; Huntingdon – 44,164; Jefferson – 46,083; McKean – 47,131; Potter – 16,717; Somerset – 78,218; Venango – 59,381; and Warren – 45,050. See "Census 2000 PHC-T-4. Ranking Tables for Counties: 1990 and 2000, Table 1. Counties in Alphabetic Sort Within State, 1990 and 2000 Population, Numeric and Percent Change," available at <http://www.census.gov>.

⁴⁴ See NANPA's "2000 COCUS and NPA Exhaust Analysis," May 23, 2000 Update available from <http://www.nanpa.com>.

⁴⁵ See NANPA's "2001 NRUF and NPA Exhaust Analysis, June 1, 2001 Update, available at <http://www.nanpa.com>.

being assigned at a healthy pace. If this trend continues in a non-pooling environment, it could cause the premature exhaust of the 814 NPA which would necessitate the addition of another new area to Pennsylvania thus further depleting the resources of the NANP.

Finally, area code relief planning for the 814 NPA could begin as soon as January 2002. In accordance with the *Industry Numbering Committee (INC) Guidelines*, the NANPA prepares relief alternatives for each NPA projected to exhaust within 36 months.⁴⁶ Since the current projected exhaust date for the 814 NPA will fall within this 36-month timeframe during the first quarter of 2002, the NANPA will be required to begin the relief planning process at that time. By keeping the 814 NPA on the schedule for pooling to begin in the fall of 2002, those being asked to consider what type of relief to implement for the 814 NPA will be able to decide when this relief is necessary to ensure that it is not prematurely implemented.

For all of these reasons, the PAPUC strongly supports the current placement of the 814 NPA on the national pooling rollout schedule. Pooling in the 814 NPA during the third quarter of national rollout will ensure that numbers within this NPA are utilized efficiently and that a new area code will not need to be prematurely activated in this region of Pennsylvania.

⁴⁶ *Industry Numbering Committee (INC) NPA Code Relief Planning & Notification Guidelines*, INC 97-0404-016, issued August 6, 2001 at §5.0.

CONCLUSION

The PAPUC is committed to having adequate numbering resources available to all telecommunications providers while working to ensure that new unnecessary area codes are not added to the Commonwealth to the detriment of Pennsylvania's citizens and the NANP. The PAPUC applauds the Commission's efforts to implement pooling on a nationwide basis over the next two years. In so doing, however, we ask the Commission to recognize the urgent need of pooling Pennsylvania's 215/267/445 NPAs during the first quarter of national rollout to prevent the unnecessary and premature activation of the 445 NPA. Further, we ask the Commission to acknowledge that the on-going voluntary pools in the 717 and 570 NPAs will become mandatory pools as part of the national pooling network prior to national rollout. Finally, we strongly support the Commission's decision to implement pooling in Pennsylvania's 814 NPA during the third quarter of national pooling rollout.

Respectfully submitted,

PENNSYLVANIA PUBLIC UTILITY
COMMISSION

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Dated: November 6, 2001

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554**

In the Matter of)

Numbering Resource Optimization)

CC Docket No. 99-200

DA 01-2419

CERTIFICATE OF SERVICE

I, Deanne M.O'Dell, hereby certify that I have on this 6th day of November 2001, filed a copy of the Pennsylvania Public Utility Commission's Comments upon the Secretary of the Federal Communications Commission by electronic filing and that I have served a true and correct copy of the Comments upon the other persons listed below by first class mail.

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